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\*Admitted only in Virginia  
\*Practice Limited to  
Federal Agencies

IFW \$

May 16, 2007

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Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Art Unit 1616

Mail Stop Amendment

Re: U.S. Utility Patent Application  
Application No. 10/518,668; Filed: August 22, 2005  
For: **Fungicidal Combination of Active Substances**  
Inventors: Wachendorff-Neumann *et al.*  
Our Ref: 2400.0260001/VLC/L-Z

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Credit Card Payment Form (PTO-2038) in the amount of \$180.00 to cover IDS fee;
2. First Supplemental Information Disclosure Statement;
3. Form PTO/SB/08A (1 sheet listing cited documents (US1-US3);
4. Form PTO/SB/08B (1 sheet listing cited documents (NPL1-NPL3);
5. Amendment and Reply Under 37 C.F.R. § 1.111; and
6. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents

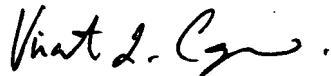
May 16, 2007

Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Vincent L. Capuano  
Attorney for Applicants  
Registration No. 42,385

VLC/L-Z/shr  
Enclosures

SKGF\_676302.1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Wachendorff-Neumann *et al.*

Appl. No.: 10/518,668

Filed: August 22, 2005

For: **Fungicidal Combination of Active  
Substances**

Confirmation No.: 6799

Art Unit: 1616

Examiner: Qazi, Sabiha Naim

Atty. Docket: 2400.0260001/VLC/L-Z

**First Supplemental Information Disclosure Statement**

***Mail Stop Amendment***

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Forms, PTO/SB/08A and PTO/SB/08B, are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

In accordance with 37 C.F.R. § 1.98(a)(2), copies of U.S. patent application publications, **US1** to **US3**, cited on the attached IDS Form, PTO/SB/08A, are not submitted. In addition, copies of documents **NPL1** to **NPL3** are not provided in accordance with the U.S. Patent and Trademark Office OG notice of October 19, 2004, which states: "the requirement in 37 C.F.R. § 1.98(a)(2)(iii) for a legible copy of the specification, including the claims, and drawings of each cited pending U.S. patent application (or portion of the application which caused it to be listed) is sua sponte waived where the cited pending application is stored in the USPTO's IFW system."

The Examiner's attention is directed to the following co-pending U.S. Patent Applications which are directed to related technical subject matter:

05/17/2007 SZEWDIE1 00000036 10518668

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Application No. 10/505,440, inventors Ammermann *et al.*, filed August 24, 2004; published on May 12, 2005 as U.S. Publication No. 2005/0101639 A1 (document **US1**); also listed as document **NPL1**;

Application No. 10/518,669, inventors Wachendorff-Neumann *et al.*, filed July 21, 2005; published on February 16, 2006 as U.S. Publication No. 2006/0035942 A1 (document **US3**); also listed as document **NPL2**;

Application No. 10/518,742, inventors Wachendorff-Neumann *et al.*, filed July 26, 2005; published on January 5, 2006 as U.S. Publication No. 2006/0004070 A1 (document **US2**); and also listed as document **NPL3**.

The identification of these U.S. Patent Applications is not to be construed as a waiver of secrecy as to those applications now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited applications and the art cited therein during examination.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

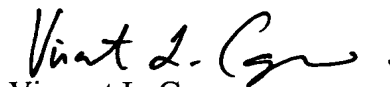
This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application. Attached is our PTO-2038 Credit Card Payment Form in the amount of \$180.00 payment amount in payment of the fee under 37 C.F.R. § 1.17(p).

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Vincent L. Capuano  
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Registration No. 42,385

Date: 5-16-07

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Substitute for form 1449/PTO

**FIRST SUPPLEMENTAL  
INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

*(Use as many sheets as necessary)*

Sheet	1	of	1
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**Complete if Known**

Application Number	10/518,668
Int'l Filing Date	June 11, 2003
First Named Inventor	Wachendorff-Neumann, Ulrike
Art Unit	1616
Examiner Name	Qazi, Sabiha Naim
Attorney Docket Number	2400.0260001/VLC/L-Z

## U.S. PATENT DOCUMENTS

[illegible]

## FOREIGN PATENT DOCUMENTS

[illegible]

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Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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<b>FIRST SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (Use as many sheets as necessary)				<b>Complete if Known</b>	
				Application Number	10/518,668
				Int'l Filing Date	June 11, 2003
				First Named Inventor	Wachendorff-Neumann, Ulrike
				Art Unit	1616
				Examiner Name	Qazi, Sabiha Naim
Sheet	1	of	1	Attorney Docket Number	2400.0260001/VLC/L-Z

<b>NON PATENT LITERATURE DOCUMENTS</b>			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
	NPL1	Copy of co-pending U.S. Application No. 10/505,440, inventors Ammermann <i>et al.</i> , filed August 24, 2004, and published on May 12, 2005 as U.S. Publication No. 2005/0101639 A1 (listed on accompanying PTO/SB/08A as document US1)	
	NPL2	Copy of co-pending U.S. Application No. 10/518,669, inventors Wachendorff-Neumann <i>et al.</i> , filed July 21, 2005, and published on February 16, 2006 as U.S. Publication No. 2006/0035942 A1 (listed on accompanying PTO/SB/08A as document US3)	
	NPL3	Copy of co-pending U.S. Application No. 10/518,742, inventors Wachendorff-Neumann <i>et al.</i> , filed July 26, 2005, and published on January 5, 2006 as U.S. Publication No. 2006/0004070 A1 (listed on accompanying PTO/SB/08A as document US2)	

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Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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